

## REMARKS

The applicants have studied the Final Office Action dated February 14, 2005, and respectfully request entry of this amendment under the provisions of 37 C.F.R. § 1.116 in that the amendments above and remarks below place the application and claims in condition for allowance and in better form for consideration on appeal. By virtue of this amendment, claims 10, 11, and 15 are requested to be amended; thus, claims 2-6, 9-16, and 32-40 are pending. Consideration and allowance of all the pending claims in view of the above amendments and the following remarks are respectfully requested.

Claims 2-6, 9-16, and 32-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by Claude (CH 665955), Samiotes (EP 0497041) or Lindsey (PCT 9407186). This rejection is respectfully traversed.

The applicants note that the indicated allowability of claims 5-6, 10-11, 15, and 33 has been withdrawn in view of the cited references. However, the applicants respectfully disagree with this withdrawal of the allowability of claims 5-6 and 33. Further, to advance prosecution of this application, formerly independent claims 10-11 and 15 have been amended to depend from claim 5.

Claim 5 is directed to an external infusion device that includes a tab, "wherein the tab includes a seal to improve resistance to water or contaminants entering the housing." Claim 6 is also directed to an external infusion device that includes a housing and a tab that mates with the housing, "wherein the housing includes a seal that is in contact with the tab to improve resistance to water or contaminants entering the housing." However, the Examiner has not pointed out any portion of the cited references that discloses, teaches, or suggests that the tab or the housing includes a seal to improve resistance to water or contaminants entering the housing, as recited in claims 5 and claim 6, respectively. Therefore, it is respectfully submitted that claims 5 and 6, as well as claims 2-4, 9-16, 32, and 34-40 depending from claim 5, are not anticipated by the cited references.

Claim 33 is directed to an external infusion device that includes a housing, a reservoir that contains fluid, and a drive system that forces the fluid from the reservoir. The infusion device also includes at least one power supply that provides power to actuate the drive system, and one or more electrical elements that regulate the rate that the drive system forces fluid from the reservoir. The infusion device further includes a tab that contains at least one of the electrical elements and the drive system.

In the Final Office Action, the Examiner asserted that the cited references teach that “[t]he tab may further include at least a portion of the drive system such as the battery power.” However, the applicants respectfully submit that none of the cited references teach that the tab may include the battery power. Further, even if the references taught that the tab may include a power supply such as the battery, claim 33 recites that the tab includes the drive system, which is a different claimed element than the at least one power supply. The Examiner has not cited any portion of the references that discloses, teaches, or suggests that the tab includes any portion of the drive system that forces fluid from the reservoir. Thus, it is respectfully submitted that claim 33 is not anticipated by the cited references.


Accordingly, withdrawal of the rejection of claims 2-6, 9-16, and 32-40 under 35 U.S.C. § 102(b) is requested.

The applicants respectfully submit that the foregoing amendments and remarks place the application and the claims in condition for allowance, and in better form for consideration on appeal. Entry of the foregoing amendments, and reexamination and reconsideration of the application as amended, are respectfully requested.

If, for any reason, the Examiner finds that the application is other than in condition for allowance and believes that a telephone interview would advance the prosecution of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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